

After reviewing the entire record, the Appeals Board finds as follows:

The Award should be affirmed.

The Appeals Board finds claimant has failed to prove he sustained an accidental injury as the result of either alleged incidents on April 29, 1994, or June 4, 1994. In arriving at that conclusion, the Appeals Board was most persuaded by the testimony from physicians Robert L. Eyster, M.D., and Ernest R. Schlachter, M.D., that the videotape which was admitted into evidence showed claimant performing activities which were inconsistent with his complaints to those physicians when he reported for treatment. With claimant's credibility in doubt, the Appeals Board is unable to accept claimant's testimony as proof of the alleged accidents in the absence of other persuasive evidence.

The Appeals Board adopts the Administrative Law Judge's findings and conclusions to the extent they are not inconsistent with the above.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award dated September 23, 1996, entered by Administrative Law Judge Jon L. Frobish should be, and is hereby affirmed.

IT IS SO ORDERED.

Dated this ____ day of March 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Stephen J. Jones, Wichita, KS
Ray Hodge, Wichita, KS
Chris S. Cole, Wichita, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director